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Kristin Miele

/Kristin Miele/

September 10, 2009

Type or print name

Signature

Date

In The United States Patent And Trademark Office

Applicants	:	Mark Tawa et al.	Confirmation No.	4554
Serial No.	:	10/541,216	Art Unit:	1617
Filed	:	June 29, 2005	Examiner:	D. Claytor
For	:	PHARMACEUTICAL DISSOLUTION	COMPOSITIONS	WITH IMPROVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Requirement for Restriction, mailed August 11, 2009, a reply to which is due September 11, 2009.

In the Office Action, the Examiner has required restriction under 35 U.S.C. §121 between one of the following Groups, which the Examiner has identified as distinct inventions:

Group I: Claims 46-68, drawn to a pharmaceutical composition comprising a salt form of an API, a precipitation retardant and an optional enhancer.

Group II: Claims 69-74, drawn to a process for producing a pharmaceutical composition comprising intimately mixing together components of a salt form of an API, a precipitation retardant and an optional enhancer.

Applicants elect to prosecute Group I, claims 46-68, drawn to a pharmaceutical composition comprising a salt form of an API, a precipitation retardant and an optional enhancer.

The Examiner further requires an election of species. Applicants hereby elect the following species:

1. Celecoxib for the API.
2. Poloxamer for the precipitation retardant.

Claims 46-68 are readable on the elected species. This election is without traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims.

Applicants respectfully request that consideration of the Group I claims on the merits be commenced. Applicants reserve the right to pursue the non-elected subject matter in divisional applications. Should the Examiner have any questions, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number set forth below.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayments necessitated by this reply to Deposit Account No. 10-0750/TPI5013USPCT6/JL.

Respectfully submitted,

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